

THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 16477 of 2007

Date:02-08-2007

Between:

Mohd.Yousuf

.. PETITIONER

AND

The Commissioner of Police, Basheerbagh and another

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RESPONDENTS

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in not considering the complaints made by the petitioner, dated 26.04.2007 and 03.05.2007, as illegal and arbitrary.

It is the case of the petitioner that he is the GPA holder of Mohd.Awan Mohd. Hydera Timime who is the nationality of United Arab Emirates and holder of passport No. A/1530042 resident of A1 Ain, Emirate of Abu Dhabi/UAE who executed Special Power of Attorney on 15.01.2007 in favour of the petitioner. It is stated that the said Aan Mohammed Haidai is the owner and possessor of the plot No.23 in Sy.Nos.107 and 108 admeasuring 100 square yards situated at Makhta Amzaddoula, Hyderabad in which a house bearing No.18-12-418/25/A, Hafeez Baba Nagar, Hyderabad was recently constructed and went to Dubai and taking the advantage of his absence, one Waheda Begum daughter of Osman broke opened the lock of the said house and entered into the premises on 23.04.2007 and stolen one Maruti 800 car bearing No.3535 and therefore, the petitioner made a written complaint on 26.04.2007 before the second respondent and the copy of the complaint was also forwarded to the first respondent, but no action has been taken.

But, the perusal of the notarized special power of attorney goes to show that the petitioner is the power of attorney to act on his behalf relating to private car No. 3535, type maruti – salon. The correct number of the car also has not been given. Insofar as the house is concerned, it is stated that the petitioner was authorized to act on his behalf relating to his private house No. 1812418 – H25 1A located at Hyderabad. The house number is also vague and no municipal number has been given. Therefore, it is not known as to what car and

what house the petitioner is appointed as power of attorney. It is also not known whether Waheda Begum has got any relation with the said Awan Mohammed Haidi. Therefore, I am of the opinion that the power of attorney has nothing to do with the property mentioned in the complaint. However, if the complaint discloses commission of any cognizable offence and the police refuses to register a case, the only course left for the petitioner is to file a private complaint as held by the Apex Court in **GANGADHAR JANARDHAN MHATRE v. STATE OF MAHARASHTRA**^[1] and also in

HARI SINGH v. STATE OF UTTAR PRADESH^[2]. Therefore, I am of the opinion that the writ petition is not maintainable and it is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

V.ESWARAIAH, J.

Date:02.08.2007
ccm

^[1] (2004) 7 SCC 768

^[2] 2006(5) SCC 733